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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,269	10/31/2003	John Deryk Waters	300204381-2	9195
22879	7590	03/16/2006	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			GOINS, DAVETTA WOODS	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/697,269

Applicant(s)

WATERS ET AL

Examiner

Davetta W. Goins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5, 7-10, 14 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 11, 12 and 15 is/are rejected.
- 7) ☒ Claim(s) 4 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 5, 7-10, 14 and 16 are allowed.
2. Claims 4 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Specification***

The "Title: Detector" should be removed from the Abstract page.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1, 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamel et al. (US Pat. 6,622,567 B1) in view of d'Hont (US Pat. 5,594,448).

In reference to claims 1, 2, 6, 11, 12, Hamel discloses a) the claimed detector for detecting the presence of a memory tag, the detector comprising a radio frequency source operable to

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generate a radio frequency signal and a detector resonant circuit part connected to the radio frequency source, the detector resonant circuit part comprising an antenna, which is met by RFID reader 24 providing an excitation frequency to RFID tag 20; the reader 24 includes resonance provided by coil 32 that's used as part of the receiving means for receiving signals transmitted by the tag 20 (col. 6, lines 17-36; Figure 1). Hamel does not disclose the claimed the detector further comprising a power monitor responsive to the power of a reflected signal returned from the detector resonant circuit part, the claimed power monitor being operable to generate an output in response to the power of the reflected signal, or claimed decrease in the power of the reflected signal indicates the presence of a tag in the vicinity of the antenna. However, Hamel does disclose a system using power when remote power is available for measuring and interrogating. Then an ac signal induced in the device directly provides ac signal for the measurement and dc power for the RFID to provide a return signal with identification and sensor information (col. 4, lines 45-59). D'Hont discloses a system that monitors the location of a transponder based on the interrogator detecting a change in voltage produced by the transponder (col. 5, lines 21-67; col. 6, lines 1-65). Since Hamel discloses a system that provides an interrogation system for providing ac power for running a sensor as well as detecting a sensor that uses very low power, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a power detector (meter) such as the power detecting means, disclosed by d'Hont, with the system of Hamel, as a means for ensuring that there's accuracy in detecting the presence of an RFID tag.

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5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamel et al. in view of d'Hont as applied to claim 1 above, and further in view of Bates et al. (US Pat. 6,420,961 B1).

In reference to claim 3, neither Hamel nor d'Hont disclose the claimed power monitor is operable to generate an output indicating the power of the reflected signal. However, Hamel discloses an ac signal induced in the device directly provides ac signal for the measurement and dc power for the RFID to provide a return signal with identification and sensor information (col. 4, lines 45-59). Bates discloses a system including an interrogator 26, remote communication device 12 (transponder 16) and an interface device 14. The interface device 14 is configured to load data into interrogator 26 and receive data from interrogator 26 while communication between the transponder 16 and the interrogator takes place (col. 5, lines 5-59). An RF power meter 60 is connected with a corresponding RF antenna 62 and transponder of integrated circuit 19. The interrogator 26 can instruct RF power meter 60 to monitor the power level and "display" the results using display 54 (col. 11, lines 1-60). Since Hamel discloses a system that provides an interrogation system for providing ac power for running a sensor as well as detecting a sensor that uses very low power, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of determining the output of power from a transponder and provide a signal indicating the level of power, as disclosed by Bates, with the systems of Hamel and d'Hont, as a means for ensuring that there's accuracy in detecting the presence of an RFID tag.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by d'Hont.

In reference to claim 15, d'Hont discloses the claimed method of transmitting a signal to a resonant circuit part comprising an antenna monitoring the power of a reflected signal reflected from the resonant circuit part, wherein a decrease in power of the reflected signal indicates the presence of a tag in the vicinity of the antenna, which is met by a system that monitors the location of a transponder based on the interrogator detecting a change in voltage produced by the transponder (col. 5, lines 21-67; col. 6, lines 1-65).

8. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure as follows. Nylander (US Pat. 6,353,393 B1), Al-Araji et al. (US Pat. 6,559,756 B2) and Overhultz et al. (US Pat. 6,837,427 B2), which disclose tag detecting systems.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957. The examiner can normally be reached on Mon-Fri with every other Fri. off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D.W.G.  
March 13, 2006

Davetta W. Goins  
Primary Examiner  
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